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| 10/561,301 | 12/15/2005 | Tor Berdal | RR-600 PCT/US | 2828 |
| 20427 | 7590 | 04/14/2009 | EXAMINER | |
| RODMAN RODMAN 10 STEWART PLACE SUITE 2CE WHITE PLAINS, NY 10603 | | | NGUYEN, JIMMY T | |
| | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/561,301 | Applicant(s) BERDAL ET AL. | |
| | Examiner JIMMY T. NGUYEN | Art Unit 3725 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-13, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/05&03/02/09</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group II (claims 14-23) in the reply filed on January 19, 2009 is acknowledged. The traversal is on the ground(s) that the search of both Groups can be made without serious burden. This is not found persuasive because Group I drawn to an apparatus having a functional unit in a form of a rotatable knife and the invention of Group II drawn to a transmission apparatus having a rotating plate which is a part of the power transmission device and it does not require a specific disintegrate apparatus having a rotatable knife blade as required in Group I. Because the features of these inventions are different are therefore patentably distinct. According, the required searches differ, thus the "serious burden" has been established.

The requirement is still deemed proper and is therefore made FINAL.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Receipt is acknowledged of an Information Disclosure Statements (I.D.S.), filed December 15, 2005 and March 02, 2009, which I.D.S. have been placed of record in the file. The initialed, signed and dated copies of the form PTO-1449 are attached to this Office action.

Specification

The abstract is objected to because it exceeds 150 words in length. Since the space provided for the abstract on the computer tape used by the printer is limited, the abstract should contain less than 150 words. Additionally, the form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided; therefore, the word "means" in the abstract should be corrected.

The disclosure is objected to because it fails to include section headings.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 14, line 7, there is no antecedent basis for the limitation "the clutch mechanism" in the claim.

Regarding claim 14, line 13, there is no antecedent basis for the limitation "the rotational speed" in the claim.

Regarding claim 14, line 19, the phrase "e.g." renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). It is suggested that the term "e.g." be changed to -- the engagement means is --

Regarding claim 14, line 20, the phrase "e.g." renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). It is suggested that the term "e.g." be changed to -- the rotating part is -- .

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Regarding claim 15, lines 2-3, there is no antecedent basis for the limitation “the normal rotational direction” in the claim.

Regarding claim 17, line 2, the recitation “one pair of blocks” lacks clear antecedent basis because it is unclear whether these blocks are referring to the blocks as claimed in claim 14 or to different blocks.

Regarding claim 18, line 3, the recitation “engagement blocks” lacks clear antecedent basis because it is unclear whether these blocks are referring to the blocks as claimed in claim 14 or to different blocks.

Regarding claim 20, line 3, there is no antecedent basis for the limitation “the mechanical transmission engagement” in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-21, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Maurer (US 2,055,300).

Maurer discloses an apparatus for transmission of power for a motor (fig. 1) to a functional unit (B) via a flywheel (fig. 2) which form a part of a power transmission device (fig. 2), the transmission device comprises as apart thereof a mechanism in a form of a clutch (fig. 2) for sudden power engagement with a coupling device (34), the mechanism consists of moveable

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engagement blocks (32) which are mounted on a guide device(31), the blocks are designed, through centrifugal force during an increasing rotational speed of the flywheel, to move radially outward to engage with engagement means (i.e. an inner surface of the coupling device (34)) (page 2, col. 1, lines 70-75), the guide device consists of an articulated arm (see a portion that is connected directly to a pin (30) in figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-23, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (hereinafter “Thompson”) (US 6,290,155) in view of Maurer (US 2,055,300).

Thompson discloses a functional unit is designed and dimension of disintegrate wood (see abstract), the unit is driven by a drive system (fig. 1) that includes a power transmission device (135). Thompson does not expressly disclose that the power transmission is a mechanism in a form of a clutch. However, the patent to Maurer teaches an apparatus for transmission of power for a motor (fig. 1) to a functional unit (B) via a flywheel (fig. 2) which form a part of a power transmission device (fig. 2), the transmission device comprises as apart thereof a mechanism in a form of a clutch (fig. 2) for sudden power engagement with a coupling device (34), the mechanism consists of moveable engagement blocks (32) which are mounted on a

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guide device(31), the blocks are designed, through centrifugal force during an increasing rotational speed of the flywheel, to move radially outward to engage with engagement means (i.e. an inner surface of the coupling device (34)) (page 2, col. 1, lines 70-75), the guide device consists of an articulated arm (see a portion that is connected directly to a pin (30) in figure 3). Maurer discloses the power transmission can be used in other mechanism embodying a clutch (page 1, col. 1, lines 44-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the power transmission device of Thompson with the type of power transmission device as taught by Maurer, in order to improve the controlling of the functional unit (page 1, col. 1, lines 1-4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show relevant power transmission devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JIMMY T. NGUYEN whose telephone number is (571)272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Fri. 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272- 4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen
April 11, 2009

/Jimmy T Nguyen/
Primary Examiner, Art Unit 3725

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